

PROTECTING YOUR MARKS IN JAMAICA

Our Intellectual Property team can help you to protect your trade marks in Jamaica. As a party to the Paris convention, Jamaica recognizes priority rights when persons apply to register Trade Marks.

OUR FIRM

HENLIN GIBSON HENLIN aims to provide first-class service and favourable results. At HENLIN GIBSON HENLIN, we are able to ensure quality service by using the most advanced technology. Additionally, by holding frequent seminars, we promote a dynamic atmosphere so that our Partners and Associates are kept abreast with the most current legal issues.

Our cutting-edge IP team specializes in Copyright Law, Digital Intellectual Property, Patents, and Trademarks. They work in conjunction with local and international partners to ensure that clients' rights are extensively protected.

TRADEMARKS

REGISTRATION

Trade Marks are registered in Jamaica under the Trade Marks Act. Application requirements include:

- The name and address of the applicant;
- A request for registration of the trade mark;
- A statement of the goods or services in relation to which registration of the mark is sought;
- A representation of the trade mark and; (the number of copies)
- Such other particulars as may be prescribed.

These documents are submitted to the Jamaica Intellectual Property Office (JIPO) for processing. Upon completion, a certificate of registration will be issued. Paris Convention priority rights are recognized. Failure to use a trade mark for a period of three years after it is registered may result in its cancellation.

SEARCH

It is recommended that an applicant request a search prior to registration to ensure that the mark for the goods or services is not already in existence as a registered mark. The required documentation is the name of trade mark and three copies (if the mark includes items other than words). Results are usually available within a week, and two weeks if an official letter of the results is requested from the Registrar.

ASSIGNMENT

A registered trade mark can be transferred by assignment. This assignment can be a partial transfer of some of the goods or services registered. In order to ensure protection against infringement of a registered trade mark, assignment must be registered within 6 months of the transaction.

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The documentation required is a notarized Deed of Assignment. It generally takes two weeks to be processed and recorded by the Registrar, after which a certificate of Recording is issued.

RENEWAL

A trade mark registration is protected for ten years. Upon expiration it is renewable for the same period. Renewal requests should be made before the expiry of the registration. If the registration is not renewed, the trade mark will be removed from the register.

ALTERATION

Alteration of a registered trademark is not permitted during the period of registration or renewal. However, alteration may be allowed where it concerns a change of name or address and does not significantly impact the identity of the trade mark. The requirement for alteration is a document evidencing change. The process takes approximately two weeks.

CANCELLATION

Trade marks may be surrendered for all or part of the goods or services for which it is registered.

DOMAIN NAMES

Domain names can be an integral part of the development of a trademark brand online. It is therefore necessary to monitor domains to avoid the risk of losing your online identity to “cyber squatting”. Domain name disputes can be resolved through mediation. It can also be addressed through the WIPO framework or the Uniform Domain Name Disputes Resolutions Policy (UDRP) under the following substantive conditions:

The domain name must be identical or confusingly similar;

The respondent must have no legitimate interests or rights in the domain name; and

The domain name must have been registered and used in bad faith.

We can arrange domain name registrations with the Local Registrar. This is a straightforward process, taking five to seven working days. Currently, there is no need for renewal; however this may change without notice. Request for the transfer of a domain name is only accepted from the registered party or a letter of authorization from a clearly established domain name holder.

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